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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

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WALTER THIEMANN, et al., . CIVIL ACTION NO. C-1-00-793  
Plaintiffs, . Cincinnati, Ohio  
- v - . Friday, May 23, 2003  
OHSL FINANCIAL CORP., . 10:00 a.m. Hearing  
et al., .  
Defendants. . **Final Comments of the Court**  
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TRANSCRIPT OF EXCERPTS OF PROCEEDINGS  
BEFORE THE HONORABLE TIMOTHY S. HOGAN, JUDGE  
TRANSCRIPT ORDERED BY: Jami Edginton

APPEARANCES:

For the Plaintiffs: GENE MESH & ASSOCIATES  
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For PROVIDENT and  
OHSL FIN. CORP.: KEATING, MUETHING & KLEKAMP  
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Also Present: Jami Edginton (Paralegal)  
Court Reporter: Mary Ann Ranz

EX. A

1 FRIDAY, MAY 23, 2003

2 P R O C E E D I N G S

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4 THE COURT: Just a couple observations and then I'll  
5 shut up.

6 It would be my preference not to have anything to do with  
7 class actions. My colleagues on this bench don't agree, but  
8 this is a perfect example of how one judge is better than  
9 two, in my opinion.

10 Second is, I granted a motion to amend the complaint.  
11 Objections were filed. Judge Beckwith remanded it. She  
12 always uses delicate language when she disagrees with me, and  
13 you can read into that two things, both of which are  
14 possible:

15 One is, she really thinks it was, rather than a motion to  
16 amend, it was a motion for leave to amend, and on that basis  
17 the case was remanded.

18 Viewed that another way, you might say that was a way of  
19 saying, "I don't want to enlarge the scope of this case and  
20 I'm not going to grant this or any other motions to amend the  
21 complaint and enlarge the scope of the case."

22 You're free to speculate on which of the two is her point  
23 of view and ultimately have to argue that.

24 One more factor that plays into this: There's now  
25 another motion to amend the complaint, and the directive from

1 the District Judge is she wants to hear that herself. So,  
2 why would that be if she liked the decision I made on the  
3 first one?

4 So, to me, I have a picture of where this case is headed  
5 and I simply want to communicate it. Nothing's done,  
6 nothing's in stone, and the arguments are still viable to be  
7 made before the Court.

8 The impression that I have is that the District Judge  
9 intends to not broaden this case, but rather to maintain the  
10 status quo. And I may be wrong and I may be surprised by the  
11 decision she makes on the Amended Complaint. And I'm going  
12 to approach this without any consideration of what I think  
13 she might or might not do, but I pass it on for what it's  
14 worth. It appears to be a subtle clue that I picked up. All  
15 right? So, I'll get on it as soon as I get back on the 2nd.

16 One other point, is that right at the moment I view this  
17 court as sort of hurting. I mean, Judge Dlott's just got out  
18 of the hospital, so I don't know if she'll be back Monday or  
19 not; Judge Beckwith probably is, but she'll be on crutches  
20 limping around, and Judge Sherman is retiring. So, all of a  
21 sudden there's a huge amount of work to be done and there's  
22 just so many hours in the day.

23 So, I'll do my best, but I can't start till June the 2nd,  
24 and this will be the first priority when I get back. All  
25 right?

1 MR. BURKE: Thank you, Your Honor.

2 MR. GAUCH: Thank you, Your Honor.

3 MR. HUST: Thank you, Your Honor.

4 MR. BRAUTIGAM: Thank you, Your Honor.

5 MR. MESH: Thank you. (11:15 a.m.)

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7 PROCEEDINGS CONCLUDED

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